

APPEAL NO. 023177
FILED JANUARY 28, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on November 19, 2002. The hearing officer determined that the appellant (claimant) had not sustained a compensable (repetitive trauma) injury on _____; that the correct date of injury (DOI) was _____; that the claimant had not timely reported her injury to the employer and did not have good cause for failing to do so; and that the claimant has not had disability.

The claimant appeals, asking us to “review the entire record” and to reverse the decision of the hearing officer. (We would note that there was only an audiotape and no transcript of the CCH to review.) The appeal file does not contain a response from the respondent (carrier).

DECISION

Affirmed.

The claimant, a bank customer service manager, testified that she sustained a bilateral carpal tunnel syndrome (CTS) injury counting money and performing computer data entry work. It is undisputed that the claimant had had a prior right CTS surgery in 1994, and “a long standing carpal tunnel problem”; however, the claimant testified that that injury had resolved. The medical evidence was in conflict whether the claimant’s current problems were a new injury or just a remanifestation of her prior injury.

Section 408.007 provides that the DOI for on occupational disease (which includes a repetitive trauma injury, see Section 401.011(34)), is the date on which the employee knew or should have known that the disease may be related to the employment. The hearing officer, in his discussion of the evidence, sets out how and why he determined the DOI to be _____. The hearing officer’s determination that the claimant did not report her alleged injury until February 8, 2002, is supported by sufficient evidence.

In that the claimant was determined not to have sustained a compensable injury the claimant cannot, by definition in Section 401.011(16), have disability.

After review of the record before us and the complained-of determinations we have concluded that there is sufficient legal and factual support for the hearing officer’s decision. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **CONTINENTAL CASUALTY COMPANY** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Roy L. Warren
Appeals Judge